

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TENNESSEE  
WESTERN DIVISION

ORDER TRANSFERRING CASE PURSUANT TO 28 U.S.C. § 1406(a)

On September 27, 2018, the *pro se* prisoner Plaintiff, Willie Ervin Moore, a/k/a Julian F. Carter II a/k/a Willie Ervin Minter, Jr., who is incarcerated at the Morgan County Correctional Complex (MCCX) in Wartburg, Tennessee,<sup>1</sup> filed a complaint pursuant to 42 U.S.C. § 1983 and a motion to proceed *in forma pauperis*. (ECF Nos. 1 & 2.) However, Plaintiff is a “three-strike” filer pursuant to 28 U.S.C. § 1915(g).<sup>2</sup> He sues Ronald Hicks, a doctor at the MCCX, concerning events which occurred at that facility.

<sup>1</sup> Although the complaint appears to indicate the MCCX is in “Wartbury,” Tennessee, (ECF No. 1 at 2; ECF No. 1-1), the correct address is Wartburg. *See* <https://www.tn.gov/content/tn/correction/sp/state-prison-list/morgan-county-correctional-complex.html>. The Clerk is directed to correct Plaintiff’s address accordingly.

<sup>2</sup> See, e.g., *Moore v. Thompson Court Apartments*, No. 2:08-cv-02278-JDT-tmp (W.D. Tenn. Feb. 18, 2009) (dismissed for failure to state a claim); *Moore v. Shelby Cnty., et al.*, No. 2:06-cv-02253-JDB-tmp (W.D. Tenn. Sept. 1, 2006) (dismissed for failure to state a claim); and *Minter v. Morgan, et al.*, No. 2:98-cv-02647-G/A (W.D. Tenn. Aug. 7, 1998) (dismissed as frivolous).

Twenty-eight U.S.C. § 1391(b) authorizes the commencement of a civil action only in a judicial district:

- (1) where any defendant resides, if all defendants reside in the same State,
- (2) a judicial district in which a substantial part of the events or omissions giving rise to the claim occurred . . . , or
- (3) a judicial district in which any defendant may be found, if there is no district in which the action may otherwise be brought.

This case has no connection with this district. Plaintiff is incarcerated at the MCCX in Morgan County. Morgan County is part of the Northern Division of the Eastern District of Tennessee. 28 U.S.C. § 123(a)(1).

Twenty-eight U.S.C. § 1406(a) states “[t]he district court of a district in which is filed a case laying venue in the wrong division or district shall dismiss, or if it be in the interest of justice, transfer such case to any district or division in which it could have been brought.” This action should not have been brought in this district and is hereby TRANSFERRED, pursuant to 28 U.S.C. § 1406(a), to the Northern Division of the United States District Court for the Eastern District of Tennessee, at Knoxville. The issue of whether Plaintiff has alleged imminent danger under § 1915(g) will be deferred to the transferee court.

The Clerk is directed to close this case without entry of judgment.

IT IS SO ORDERED.

s/ James D. Todd  
JAMES D. TODD  
UNITED STATES DISTRICT JUDGE